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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 2855 of 2007

PETITIONER Udai Pal Singh Bhadauria, aged about 57 years, son of Late Brijnayak Singh Bhadauria, Asstt. Sub Inspector, P.S. Baloda Bazar, Distt. Raipur (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through – the Secretary, Department of Home Affairs, Dau Kalyan Singh Bhawan, Raipur (Chhattisgarh)
2. Superintendent of Police-Cum Inquiry Officer, District Mahasamund (C.G.)
3. Shri Dipanshu Kabra, Former Superintendent of Police, Distt. Mahasamund (Presently S.P. Raigarh).
4. The City Superintendent of Police, Distt. Mahasamund (CG)
5. Prem Kant Awasthy, Former Station House Officer, P.S. Mahasamund (C.G.) at present posted as R.I. Police Line Mahasamund (C.G.)
6. Dau Ram Sagar, Head Constable P.S. Mahasamund, Distt. Mahasamund (C.G.)
7. Krishna Kumar Verma, Head Constable, P.S. Mahasamund Distt. Mahasamund (C.G.)
8. Shiv Charan Netam, Constable P.S. Mahasamund, District Mahasamund (C.G.)
9. Chhedi Lal Tiwari, Head Constable P.S. Mahasamund, District Mahasamund (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Anil Tripathi, counsel for the petitioner.

Shri Sumit Verma, Panel Lawyer for the State/ respondents No. 1, 2 & 4.

Shri Awadh Tripathi, counsel for respondent No.3.

None for respondents No. 5, 6, 7 & 8 though notices are reported to be served.

None for respondent No. 9.

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ORAL ORDER
(12.10.2007)

SUNIL KUMAR SINHA, J.

Heard.

This petition was filed for quashing of the charge-sheet (Annexure-P/5) as well as departmental enquiry initiated against the petitioner.

Learned counsel for the petitioner contended that the challenge was made mainly on the ground that the enquiry itself vitiated as there is violation of Rule 18 of M.P. (C.G.) Civil Services (Classification, Control and Appeal) Rules, 1966.

Written submission on behalf of respondents No. 1, 2 & 4 has been filed along with order dated 29.8.2007 as Annexure-R/1. According to which, referring to Rule 18, the entire enquiry has been remanded on the ground that no prior permission was taken by the competent authority under Rule 18 of the aforesaid Rules.

After going through the contents of reply (Annexure–R/1), when the matter has been remanded, I do not deem it proper to interfere in this writ petition at this stage because the point raised by the petitioner has been redressed by respondent and necessary orders have been passed.

Therefore, this writ petition is disposed of at this stage. However, the petitioner shall be at liberty to file subsequent petition if such an exigency arises in future. In that situation, he shall be entitled to take all other grounds apart from ground of Rule 18 in the subsequent petition.

Sd/-
Sunil Kumar Sinha
Judge

vatti